

### **REMARKS**

With entry of this amendment, claims 1-47 are pending in this application. Of these, claims 1-6 and 8-43 stand rejected, and claims 44-47 have been newly added. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

#### **Drawing Objections**

The drawings stand objected to for not including reference numerals contained within the specification. Instead of amending the drawings, the specification has been amended to provide consistent reference numerals between the drawings and specification. As such, Applicant respectfully requests withdrawal of the drawing objections.

#### **Specification Objections**

The specification stands objected to for containing various informalities. The specification has accordingly been amended to correct these informalities. As such, Applicant respectfully requests withdrawal of the drawing objections.

#### **Claim Rejections-35 U.S.C. §102**

Claims 1-3, 5, 8-20, 22-24, 26-34, and 36-43 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,205,361 (“Kuzma”). Applicant respectfully traverses this rejection, since Kuzma does not disclose each and every element required by these claims.

Independent claim 1 has been amended to require the spring layer to be disposed on an outer surface of the insulative membrane. To the extent that the memory element 12 disclosed in Kuzma

can be considered a spring layer, it is not disposed on an outer surface of the insulative membrane 14.

Independent claim 16 has not been amended, because it requires a plurality of secondary segments to branch off of the main segment—a feature not disclosed in Kuzma. In particular, to the extent that the Examiner considers the shape memory element 12 illustrated in Fig. 1 of Kuzma to be the claimed main spring element, there are no secondary spring elements that branch off of the memory element 12. Although the Examiner considers the edge portions 16 to be secondary spring elements, they do not branch off of the so-called main spring element 12. That is, taking the spring element 12 as the main spring element 16, there is only one edge portion 16 associated with that element 12, and therefore, there cannot be a plurality of secondary spring elements that branch off of the main spring element. In addition, under any reasonable construction of the term “branch,” the edge portion 16 does not branch off of the main spring element 12, but rather extends along the main spring element 12 in a concentric relationship therewith.

Independent claim 32 has not been substantively amended, because the spring elements 12 disclosed in Kuzma are not associated with the planar region of the insulative membrane 14. However, to provide a further distinction between claim 32 and Kuzma, claim 32 has been amended to require the spring element to be in contact with the planar region of the insulative body. In contrast, the spring elements 12 are in contact with the cylindrical edge portions 16, and not the planar region (i.e., the center region) of the insulative membrane 14.

Thus, Applicant submits that independent claims 1, 16, and 32, as well as the claims depending therefrom (claims 2, 3, 5, 8-15, 17-20, 22-24, 26-31, 33, 34, and 36-43), are not

anticipated by Kuzma, and as such, respectfully requests withdrawal of the §102 rejections of these claims.

#### Claim Rejections-35 U.S.C. §103

Claims 4, 6, 19, 21, 25, and 35 stand rejected under 35 U.S.C. §103 as being obvious over various combinations of Kuzma, U.S. Patent Publication No. 2001/0025192 (“Gerber”), U.S. Patent Publication No. 2003/0204228 (“Cross”), and U.S. Patent No. 6,597,953 (“Boling”). Applicant respectfully traverses these rejections, since these references, do not, alone or in combination, disclose, teach, or suggest the combination of elements required by claims 4, 6, 19, 21, 25, and 35 .

In particular, as discussed above, Kuzma does not disclose all the elements required by independent claims 1, 16, and 32 from which these claims depend, and Gerber, Cross, and Boling, do not supplement this failed teaching. Thus, Applicant submits that claims 4, 6, 19, 21, 25, and 35 are not obvious in view of Kuzma, Gerber, Cross, and Boling, and as such, respectfully requests withdrawal of the §103 rejections of these claims.

#### Claim Objections

Claim 7 stands objected to as depending from a rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Because independent claim 1 is believed to be allowable, claim 7 should be allowed. As such, Applicant respectfully requests withdrawal of the objection of claim 7.

#### New Claims

Newly added claims 44-47, which find support in the originally filed application, are believed to be patentable over the prior art. In particular, claims 44-47 depend from respective

independent claims 16 and 32, which are believed to be patentable as discussed above. Furthermore, claims 44 and 45 additionally require the spring element to be in contact with the outer surface of the insulative membrane or planar region of the insulative body—a feature not disclosed in Kuzma. Claims 46 and 47 require the spring element to be in a laminar relationship with the insulative membrane or insulative body. In contrast, the spring element 12 disclosed in Kuzma is not laminar.

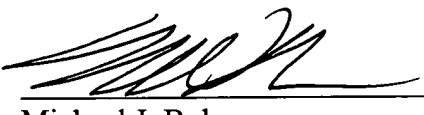
### Conclusion

Based on the foregoing, it is believed that all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (714) 830-0600.

Respectfully submitted,

**BINGHAM MCCUTCHEN LLP**

Dated: November 21, 2005

By:   
Michael J. Bolan  
Reg. No. 42,339

**23639**  
PATENT TRADEMARK OFFICE

**BINGHAM McCUTCHEN LLP**  
Three Embarcadero, Suite 1800  
San Francisco, CA 94111-4067